HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 912 of 2005 (M/S)

1. Raghunath Das, S/o Sri Kishori Lal,
   R/o 10-Raja Road, Dehradun.
2. Madho Das S/o Sri Raghunath Das,
   R/o 10-Raja Road, Dehradun.
3. Smt. Maya Rani, W/o Sri Madho Das,
   R/o 10-Raja Road, Dehradun.
4. Mohan Das, S/o Sri Madho Das,
   R/o 10-Raja Road, Dehradun. ....Petitioners

Vs

1. Pradeshiya Industrial And Investment Corporation,
   Of U.P. Ltd. Having Its Principal Office at Picup Bhawan,
   Gomti Nagar, Lucknow, through its Secretary.
2 M/s India Telecom Ltd., 192 Saharanpur Road, Dehradun,
   Through its Managing Director. ....Respondents

Sri Alok Singh learned Senior Advocate assisted by
Sri A.K. Joshi learned counsel for the petitioners.
Sri Naresh Pant learned counsel for the respondents.

Dated :- 22.05.2006

Hon'ble B.S. Verma, J.

Heard Sri Alok Singh learned senior advocate assisted by Sri A.K. Joshi learned counsel for the petitioners and Sri Naresh Pant learned counsel for the respondents.

The petitioner has filed a present writ petition to challenge the order dated 3-8-2005 whereby in the appeal filed by the petitioner against the order of the Trial Court dated 22.07.2005, the notice was issued to the defendant and fixing 17.8.2005 for disposal of objection. As the application for temporary injunction is pending for disposal before the learned Civil Judge (Senior Division), Dehradun , it would be proper to give direction to decide the application.

Learned counsel for the contesting defendant/respondent has stated that he has already filed an

objection against the application of temporary injunction under Order 39 Rule 1 and 2 and the application is yet to be decided.

Learned Civil Judge (Senior Division), Dehradun is directed to decide the application of the plaintiffs under Order 39 Rule 1 and 2 after hearing both the parties preferably within a period of one month after production of the certified copy of the order.

In the meantime, the parties are directed to maintain status quo as on today till the decision of the temporary injunction application.

With the said observation, the writ petition is disposed of.

(B.S. Verma, J.)

Dated:-22.05.2006
M.K.